

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**IMPERIUM IP HOLDINGS  
(CAYMAN), LTD.,**

**Plaintiff,**

**v.**

**SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS  
AMERICA, INC., SAMSUNG  
TELECOMMUNICATIONS AMERICA,  
LLC, SAMSUNG SEMICONDUCTOR, INC.,  
SAMSUNG TECHWIN CO., LTD., AND  
SAMSUNG OPTO-ELECTRONICS  
AMERICA, INC. (D/B/A SAMSUNG  
TECHWIN AMERICA),**

**Defendants.**

**Case No. 4:14-cv-00371 (RC)(ALM)**

**JURY TRIAL DEMANDED**

**TRACK B INITIAL PATENT CASE MANAGEMENT ORDER**

Pursuant to Fed. R. Civ. P. 16(b), the Court ORDERS the following:

1. **Infringement Contentions and Licensing Disclosures.** Within 14 days of all defendants filing an answer or motion pursuant to Fed. R. Civ. P. 12(b), a party claiming patent infringement shall serve its infringement contentions and accompanying production in compliance with P.R. 3-1 and 3-2. A party claiming patent infringement shall also produce all licenses or settlement agreements concerning the patents-in-suit and any related patent.
2. **Initial Disclosures and Summary Sales Information.** Within 30 days of service of infringement contentions, all parties shall serve Initial Disclosures per Fed. R. Civ. P. 26(a)(1). Each party opposing a claim of patent infringement shall also produce summary sales information reflecting the quantity of accused products sold in the United States and the revenues

from those sales. For purposes of this disclosure, accused products include all products identified in the infringement contentions and all reasonably similar products (i.e., other products that a party should reasonably expect to be accused of infringement of the asserted claims after a full opportunity for discovery).

3. **Good Faith Damages Estimate.** Within 14 days of the service of Initial Disclosures and summary sales information, each party claiming patent infringement shall file a good faith estimate of its expected damages, including a summary description of the method used to arrive at that estimate. This good faith estimate is non-binding in that it will not serve to limit the damages a party may recover.

4. **Invalidity Contentions.** Within 14 days of service of the good faith estimate of expected damages, each party opposing a claim of patent infringement shall serve its invalidity contentions and accompanying production in compliance with P.R. 3-3 and 3-4.

5. **Notice of Readiness for Management Conference.** Within 5 days of the service of invalidity contentions, Plaintiff shall file a notice that the case is ready for management conference, which will then be set by the Court. The parties shall proceed with claim construction related disclosures (P.R. 4-1 through 4-3) according to the timing set by the local patent rules. All local patent rule deadlines after the filing of the P.R. 4-3 joint claim construction statement will be set at the management conference.

6. **Conference of the Parties and Discovery Plan.** At least 14 days before the date set by the Court for the management conference, the parties shall confer pursuant to Fed. R. Civ. P. 26(f). At least 7 days before the date set by the Court for the management conference, the parties shall jointly file a discovery plan that addresses each of the following:

- a. the existence of related cases and the appropriateness of consolidation;

- b. appropriate discovery limitations considering the case facts and likely value, including written discovery limits, deposition limits, the number of expert witnesses, and whether expert depositions should be authorized;
- c. whether document production should proceed by request for production or mandatory disclosure;
- d. whether the court should enter the EDTX Model Order Focusing Patent Claims and Prior Art to Reduce Costs or modifications thereto;
- e. whether the court should enter the EDTX Model Order Regarding E-Discovery or modifications thereto;
- f. amendments to the Standard Protective Order or entry of an agreed protective order;
- g. the scheduling of the case for claim construction, including an appropriate limit on the number of claim terms for construction, and trial scheduling;
- h. the appointment of a mediator and an appropriate mediation schedule;
- i. clearly dispositive issues that warrant special scheduling;
- j. the appropriateness of an expedited trial, consolidated claim construction and trial procedure, trial on limited issues, or a stipulation for post-trial mediation before the entry of judgment on the verdict;
- k. any existing or likely discovery disputes; and
- l. whether the parties consent to trial before a magistrate judge.

For any areas of dispute, the report should clearly define the parties' respective positions so that all issues can be decided at the management conference.

7. **Initial Discovery Limitations.** Prior to the management conference, discovery is limited to 5 interrogatories, 5 requests for production, and 5 requests for admission per side, absent leave of court or stipulation of the parties.

8. **Management Conference Requirements.** At the management conference, the parties shall be prepared to discuss each of the items addressed in paragraph 6 and any other issues that may be set by the Court. In particular, the Court is interested in setting a schedule and discovery limitations that are fair and adequate, but that also bear an appropriate relationship to the likely value of the case.

9. **Sanctions.** Failure to comply with this order invites sanctions. Additionally, while the Court is cognizant that this order requires certain disclosures that depend on the exercise of judgment at an early stage of the case, should case development reveal that a party's disclosures under this order lacked a good faith basis, were unreasonably sparse, or were intentionally misleading, appropriate sanctions will be imposed.